

MEETING MINUTES CITY OF MILPITAS

Minutes of: Regular Meeting of Milpitas City Council
Date: Tuesday, May 21, 2019
Time: 6:00 PM Closed Session
7:00 PM Open Session
Location: (1) Council Chambers, Milpitas City Hall,
455 East Calaveras Blvd., Milpitas and
(2) Barbara Lee Senior Center, 40 N. Milpitas Blvd.,
Milpitas, CA

CALL TO ORDER Vice Mayor Dominguez called the meeting to order at 6:00 PM. City Clerk Mary Lavelle called the roll.

PRESENT: Vice Mayor Dominguez, Councilmembers Montano and Nuñez

ABSENT: Mayor Tran was absent. Councilmember Phan was absent at roll call and arrived in Closed Session.

CLOSED SESSION City Council convened in Closed Session to discuss two matters listed on the agenda.

City Council returned to the dais for the Open Session regular agenda at 7:24 PM.

ANNOUNCEMENT City Attorney Chris Diaz stated there was nothing to report out of Closed Session.

PLEDGE The pledge of allegiance was led by Councilmember Nuñez.

INVOCATION Vice Mayor Dominguez invited Rajesh Shah affiliated with India Community Center to offer a prayer to start the meeting. He read aloud a poem by Douglas McClintock as well as a quote from Mother Teresa.

PRESENTATIONS Emergency Services Coordinator Toni Charlop introduced the active participants in Community Emergency Response Teams (CERT), who had undertaken training and exercises to get ready for disaster response throughout the City.

Vice Mayor Dominguez along with Councilmembers presented certificates to participants in the Community Advisory Commission's spring clean-up event on March 16 held at Pioneer Mobilehome Park.

PUBLIC FORUM Rob Means, 1421 Yellowstone resident, had a question for the Mayor regarding a Memorandum of Understanding for Personal Rapid Transit, and sought a meeting with Councilmembers. He'd met with four Councilmembers but not yet with the Mayor and was seeking support.

Allysson McDonald, resident, addressed the topic of rent control. She mentioned new construction at Sunnyhills, and that new units would not come under any potential rent control rules due to Costa-Hawkins.

Yolie Garcia, resident and homeowner, spoke of tenant protections, rent control, CASA compact, and other government efforts regarding regional housing issues and concerns. She requested to have rent control and protections in Milpitas.

Sandy Perry, resident of San Jose, commended the Mayor and Vice Mayor for their leadership at the May 7 City Council meeting. He hoped over time that other Councilmembers would change and come to support rent control. It was one tool to help local residents avoid displacement.

Christopher lived in a San Jose rent controlled apartment. This topic needed to be continued to be addressed by the City Council, as started two weeks ago. He addressed Councilmember Phan, based on his prior comments.

Veronica Salce, resident, thanked the Vice Mayor for going out to search for apartments in Milpitas (as described at last Council meeting). She discussed her family's eviction from their apartment, even after challenging the action in court. Challenges continued and residents were seeking help for tenants in the city.

Voltaire Montemayor, resident, liked the presentations given. He referred to CERT, as mentioned by Fire Department staff earlier.

ANNOUNCEMENTS

Councilmember Montano reported out from the first City Council Housing Subcommittee which met on this date. The Subcommittee (she and Mr. Nuñez) discussed 110 units to be constructed at Sango Court that the County was working with the city to build. Ms. Montano said the City would create a waiting list for those who'd like to rent those apartments. This was following brainstorming done by Councilmember Nuñez and her. City Attorney Chris Diaz read some of the ideas from the meeting notes on a list, i.e. hosting the Housing Authority as a separate meeting body. The next Subcommittee meeting would be held on June 4.

Vice Mayor Dominguez asked the City Clerk to make sure those notes would be available online.

Councilmember Phan thanked all the speakers for speaking out at this Council meeting. He encouraged the public to remain active on housing issues.

ANNOUNCEMENT OF CONFLICT OF INTEREST AND CAMPAIGN CONTRIBUTIONS

City Attorney Diaz asked Councilmembers if they had any personal conflicts of interest or reportable campaign contributions. By roll call, none were reported.

APPROVAL OF AGENDA

Motion: to approve the meeting agenda, as submitted

Motion/Second: Councilmember Nuñez/Councilmember Montano

Motion carried by a vote of: AYES: 4
NOES: 0
ABSENT: 1 (Tran)

CONSENT CALENDAR

Motion: to approve the consent calendar including agenda items no. 1- 4, 7, 10 and 11

Councilmember Phan asked to place item C10 (Planning Commission appointment) and item C11 (preview next agenda) on the consent calendar.

Councilmember Montano asked to remove items C5 (water quality lab testing) and C6 (tree maintenance contract) from consent.

Motion/Second: Councilmember Nuñez/Councilmember Montano

Motion carried by a vote of: AYES: 4
NOES: 0
ABSENT: 1 (Tran)

C1. Council Calendars Accepted City Council calendar for May and June 2019.

C2. Meeting Minutes Approved City Council meeting minutes of April 30 and May 7, 2019.

- C3. National Night Out Moved to permanently change the Milpitas National Night Out date to align annually with the nationally recognized date of the first Tuesday in August.
- C4. Stormwater Agreement Authorized the City Manager to execute a Stormwater Management Facilities Operation and Maintenance Agreement for Hudson Campus Center, LLC for the development at 115 North McCarthy Boulevard.
- C5. Water Quality Lab Testing This item was removed from consent for discussion.
- Public Works Director Tony Ndah responded to Councilmember Montano, about when the water lab testing was done (monthly), and when would households get the report on water quality. He described the daily collection of water samples that were consistently tested on a constant basis. Information was available online for all customers on the water quality in Milpitas.
- Motion: to authorize the City Manager to execute a Professional Service Agreement with McCampbell Analytical, Inc. for Water Quality Laboratory Testing Services for a five-year amount not to exceed \$230,140
- Motion/second: Councilmember Montano/Councilmember Phan
- Motion carried by a vote of: AYES: 4
NOES: 0
ABSENT: 1 (Tran)
- C6. West Coast Arborist This item was removed from consent calendar for discussion.
- Councilmember Montano asked questions about this contract amendment, and which trees were targeted for tree maintenance per the contract. Residents were concerned about some of the older trees throughout the city, she noted. Public Works Director Ndah reported that staff had logged 350 high priority trees for possible removal.
- Motion: to authorize the City Manager to approve Amendment No. 1 to the contract with West Coast Arborist, Inc. in the amount of \$150,000 for citywide tree removal services
- Motion/second: Councilmember Montano/Councilmember Phan
- Motion carried by a vote of: AYES: 4
NOES: 0
ABSENT: 1 (Tran)
- C7. Adopt Resolution - flag Adopted Resolution No. 8874 directing staff to fly the flag celebrating Eritrea Independence Day on May 24, 2019 at the Cesar Chavez Plaza.

PUBLIC HEARINGS

8. Annual Levy for LLMD No. 95-1, McCarthy Ranch Civil Engineer Kan Xu introduced the annual consideration of actions necessary to levy parcel owners for maintenance and financing of the Landscape and Lighting Maintenance District No. 95-1 at McCarthy Ranch containing 44 parcels. \$360,135 was the total amount to be assessed in FY 2019-20.
- Vice Mayor Dominguez opened the public hearing.
- Resident Voltaire Montemayor spoke in favor of approving this resolution.
- (1) Motion: to close the public hearing, following one speaker
- Motion/Second: Councilmember Nuñez/Councilmember Phan

Motion carried by a vote of:

AYES: 4
NOES: 0
ABSENT: 1 (Tran)

(2) Motion: to adopt Resolution No. 8875 confirming the assessment and ordering the levy for the Landscaping Maintenance Assessment District No. 95-1 McCarthy Ranch for Fiscal Year 2019-20

Motion/Second:

Councilmember Phan/Councilmember Nuñez

Motion carried by a vote of:

AYES: 4
NOES: 0
ABSENT: 1 (Tran)

**9. Annual Levy for LLMD
No. 98-1, Sinclair Horizon**

Next, Mr. Xu introduced the annual item for consideration of actions necessary to levy parcel owners for maintenance and financing the Landscape and Lighting Maintenance District No. 98-1 at Sinclair Horizon. \$44,063 was the amount to be assessed in FY 2019-20.

Councilmember Nuñez asked questions about the area on the map, displaying where the landscape work was done, and any increase in value to the land with public benefit.

Vice Mayor Dominguez opened the public hearing.

Yolie Garcia, resident, noticed that the land for maintenance did not cover the entire area of the developments. More of Los Coches did need some further clean-up work done.

Resident Voltaire Montemayor said he walked near this area and subdivision, where there used to be a skating rink. At night, it was good to keep it clean for vehicles passing by.

(1) Motion: to close the public hearing, following two speakers

Motion/Second:

Councilmember Montano/Councilmember Phan

Motion carried by a vote of:

AYES: 4
NOES: 0
ABSENT: 1 (Tran)

Councilmember Phan asked about process and whether this approval could be done administratively, by a zoning administrator or at Planning Commission, rather than by City Council in the future.

(2) Motion: to adopt Resolution No. 8876 confirming the assessment and ordering the levy for the Landscaping Maintenance Assessment District No. 98-1 Sinclair Horizon for Fiscal Year 2019-20

Motion/Second:

Councilmember Phan/Councilmember Montano

Motion carried by a vote of:

AYES: 4
NOES: 0
ABSENT: 1 (Tran)

All were invited to move next door to the Senior Center at 8:30 PM for the General Plan topic.

LEADERSHIP

**C10. Planning Commission
Appointment**

This item was added to the consent calendar and approved. Per recommendation of Councilmember Nuñez, approved the appointment of Ricardo Ablaza to the Milpitas Planning Commission to a term of service that would expire in December of 2020.

NEXT AGENDA

C11. Preview next agenda

This item was added to the consent calendar and approved. Received a preview list of items for June 4, 2019 City Council meeting agenda.

At 8:30 PM, the first part of this City Council meeting was finished in the Council Chambers at City Hall. Vice Mayor Dominguez invited all in the audience to join the City Council, staff and consultants for the next section of the meeting held at the Senior Center.

12. STUDY SESSION - General Plan Update

Planning Director Ned Thomas introduced the update that was underway to the City's General Plan, the blueprint for the city's land use plans over the next several decades.

Consultant Ben Ritchie from DeNovo Consulting addressed the Council, with background on what the General Plan Advisory Committee (GPAC) had worked on to date. At this meeting, Council would be asked to comment on the Land Use Map and preferred alternative. With the path on the General Plan update, it had all of the seven Council-identified priorities in mind as staff, GPAC and consultant were moving ahead on the Plan. 14 opportunity areas organized into four themes were included in the Land Use Alternatives Report, previously distributed to the City Council.

Mr. Ritchie rapidly reviewed areas 3, 4 and 7 in the Industrial and Business Park Intensification theme, and areas 10, 11 and 13 in the Neighborhood Commercial Center Revitalization theme (no residential). He defined the Floor Area Ratios (FAR) in these areas of the City.

Comments from Councilmembers were made about neighborhood shopping centers and maintaining smaller local grocers, while not pushing those out if Floor Area Ratio (FAR) was increased in some sectors of the city.

Councilmember Phan asked if hotels would be allowed in Neighborhood Commercial areas and the consultant replied that was up to the Council (since it was not specified either way).

Vice Mayor Dominguez was concerned not to displace older small businesses in those areas.

Economic Development Director Alex Andrade described a business façade improvement program that was planned in the new budget for small businesses to improve or survive.

Ms. Dominguez agreed with support for businesses and maybe strongly support that pilot program with more funding than \$50,000 to start. Staff spoke of a potential partnership with Silicon Valley Business Development.

Next, Mr. Ritchie asked the Council to look at Neighborhood Commercial Center Revitalization theme (with residential uses) to entice developers to re-develop some older existing areas. This was in the Opportunity Areas numbered 1, 8, 9, 12, and 14. There was some discussion on residential development in the Town Center Area, noting the need to update zoning if that was desired back into Town Center.

Councilmember Montano wanted to maintain only commercial development in the Town Center (in Opportunity Area 12).

Opportunity Area 1 at Sunnyhills neighborhood was reviewed. There were concerns voiced by by residents and GPAC members to maintain affordable housing. Residential use versus commercial was discussed.

Opportunity Area 8 at south end of the city, on Landess at Park Victoria was reviewed. Limited housing allowance in this retail/commercial area.

Opportunity Area 9 at Calaveras and Dempsey location was reviewed, where there were some less maintained properties. The City could jump start new development at these parcels, with enhancements needed.

Opportunity Area 14 within the MidTown Area was identified, including the current Serra Center. It would be reviewed with the planned update to the MidTown Specific Plan. The main question to Council was whether or not a residential component should be included at this site.

Deputy City Manager Steve McHarris noted the idea of land use capture, as done in San Jose. Residential could be thought of as a component of a property, when considering its development or redevelopment.

Councilmember Phan suggested to consider finding ways to alleviate traffic into/out of Serra Center, use that to meet needs based on needed infrastructure upgrades.

Councilmember Nuñez was all for opportunity areas 12 and 14. He agreed with incentives to bring in businesses and homes with mixed use in those spots. However, in the MidTown, he did not agree with the plan along Main St.

The final map for Council's review included the areas transitioning from Industrial and Manufacturing to Residential and Mixed Use, in Opportunities Areas 2 and 6.

Mr. Nuñez made many comments about Opportunity Area 2, with limitations and possibilities there, while being very concerned about difficult parking and traffic at California Circle.

Councilmember Montano wanted to have entertainment, restaurants, performing arts, in a walkable area for those who visit the new hotels.

Vice Mayor Dominguez asked about any current applications at Opportunity Site 2. She liked mixed use while traffic mitigation issues need to be figured out. Review applications and look for some affordable housing with any mixed use proposal. She urged to be respectful of history.

Councilmember Nuñez commented on how cars traveled through and around barriers there, since California Circle was the only way in and out. A "trapped" problem for traffic existed.

Councilmember Phan asked how long it would take to make a Specific Plan for this area. Long term here, the need was to bring designated uses and zoning consistent with the General Plan, to benefit land owners and business owners in the California Circle area. If projects were coming in, could they continue to be processed trying to envision what was anticipated? He urged all to remain flexible and not to ban housing.

Mr. Ritchie said Council could proceed, then add an overlay to this area if it was needed to achieve Council established goals.

Next reviewed was Opportunity Area 6, South Manufacturing area. Though initially it was included with proposed designations, residential use was not supported at all by the GPAC, so it was recommended rather for Research & Development very close to the new BART station. Economic Development Director Andrade addressed this area, which could be termed an "Innovation and Tech Hub" to be a leader in Silicon Valley. The city could create space for quality jobs at this location, he urged.

The Vice Mayor supported the jobs creation part of what Mr. Andrade talked about and called this area "a hidden treasure."

Councilmember Montano agreed with this area as an innovation hub.

Speakers:

Huascar Castro, Silicon Valley @Home, said the Council needed to best reflect needs of the city, while needing a housing component. Increase levels of density in areas 9 and 12.

Voltaire Montemayor, resident, said Council could make Milpitas one of the best places to live. He talked about connecting various roadways to neighboring cities north and south.

Leah Beniston, of True Life Companies, had looked at Opportunity Area 2 for housing sites. Keep it mixed use, she urged, and distributed a handout to the Council.

Mr. Martin, a land consultant and broker, spoke on Opportunity Area 2, and had heard talk of traffic while a FAR at 2.5 and the amount of building that could bring hundreds of employees in the daytime. Residential units built there at two projects would not be compatible with very high-density commercial/industrial.

Allysson McDonald, resident and member of the GPAC, was concerned about Area No. 13 due to a worry of traffic in that area. For Area 1, there was a need for more housing built to meet the RHNA, especially affordable units. At Area 2, she was concerned on mitigating traffic when considering uses. For Area 6, include some commercial uses at the innovation district.

The Vice Mayor thanked staff for all the work and preparation for this study session.

Staff noted that all comments mentioned during the Study Session that were not immediately addressed by staff or the consultant were noted and written down on a "Parking Lot" list. That list was recorded by Planning Department staff for review following the study session.

ADJOURNMENT

Vice Mayor Dominguez adjourned the regular meeting at 11:00 PM at the Senior Center.

The foregoing minutes were approved by Milpitas City Council on June 4, 2019.

Mary Lavelle
Milpitas City Clerk